

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**MARIA GUZMAN MORALES and  
MAURICIO R. GUAJARDO,**

**Plaintiffs,**

**vs.**

**FARMLAND FOODS, INC., a Delaware  
Corporation and subsidiary of  
Smithfield Foods,**

**Defendant.**

**8:08CV504**

**ORDER**

This matter is before the court on the defendant's Motion to Clarify Current Scheduling Order or in the Alternative for Leave to File Out of Time a Motion to Decertify the Conditionally Certified FLSA Class ([Filing No. 182](#)) and the parties' Joint Motion to Clarify/Extend Remaining Deadlines in Scheduling Order ([Filing No. 209](#)). The parties seek to extend deadlines from the Order Setting Final Schedule for Progression of a Case ([Filing No. 91](#)) based on a later order extending deadlines ([Filing No. 151](#)) and canceling the trial. The defendant also seeks leave to file a motion to decertify either out of time or after an extension of time. The plaintiffs filed a brief ([Filing No. 210](#)), with evidence attached, in opposition to the defendant's motion. Under the circumstances and for good cause shown, the motions are granted as set forth below.

**IT IS ORDERED:**

1. The defendant's Motion to Clarify Current Scheduling Order or in the Alternative For Leave to File Out of Time a Motion to Decertify the Conditionally Certified FLSA Class ([Filing No. 182](#)) is granted, over objection, as set forth herein.
2. The defendant shall have to **on or before October 1, 2010**, to file a motion to decertify the conditionally certified FLSA class.
3. The parties' Joint Motion to Clarify/Extend Remaining Deadlines in Scheduling Order ([Filing No. 209](#)) is granted.
4. The parties shall have until October 31, 2010, to complete fact discovery, which includes all depositions (other than expert depositions).

5. The pretrial conference, previously scheduled for November 8, 2010, and deadlines for disclosure of trial exhibit lists and motions *in limine* (other than as to experts) are canceled pending establishment of a trial date.

6. The parties shall have **fourteen (14) days** from the date the court rules on the pending motions for summary judgment, in which to schedule a telephone planning conference with the court. Counsel for the plaintiffs shall contact the chambers of the undersigned magistrate judge within such time period to schedule the telephone planning conference.

DATED this 25th day of August, 2010.

BY THE COURT:

s/Thomas D. Thalken  
United States Magistrate Judge